

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Expanding the Economic and Innovation)	
Opportunities of Spectrum Through Incentive)	GN Docket No. 12-268
Auctions)	
)	
Incentive Auction Task Force and Media)	MB Docket No. 16-306
Bureau Seek Comment On Post- Incentive)	
Auction Transition Scheduling Plan)	

INFORMAL COMMENTS OF OTA BROADCASTING, LLC

OTA Broadcasting, LLC (“OTA”), pursuant to Section 1.1206 of the Commission’s rules, respectfully submits these informal comments urging the Commission to harness free market forces to help to streamline and to expedite the post 600 MHz auction channel repacking transition. Specifically, OTA urges the Commission to, as expeditiously as possible, release the tools that it has developed to assign post auction channels, the tools that it has developed to assign broadcast stations to transition phases, and any and all other tools and data that can be helpful in: (1) identifying stations that present a potential “bottleneck” to the transition; and (2) eliminating certain “linked station sets.”¹ These informal comments are a follow-up to the Comments that OTA filed on October 26, 2016, and in furtherance of Chairman Pai’s

¹ Neither the Spectrum Act nor the FCC’s rules prohibit the Commission from publicly releasing information about repacked stations as quickly as possible. Nevertheless, to the extent that the FCC is concerned that releasing the requested information would disclose information about winning reverse auction bidders, it still could release the requested information upon the release of the *Closing and Reassignment Public Notice*. See Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96 § 6403(a)(3) (requiring confidentiality only “until the reassignments and reallocations (if any) under subsection (b)(1)(B) become effective”).

commitment to “working with broadcasters and wireless carriers going forward on further steps to ensure a smooth post-auction transition.”²

OTA commends the Commission for developing an excellent phased plan for the post 600 MHz auction transition. The Commission’s plan is well thought out, well-constructed and offers the best hope of expeditiously bringing additional spectrum resources to the service of wireless customers. Despite these best efforts by the Commission, many parties in both the broadcasting and wireless industries have expressed well-grounded concerns that the transition will fall behind schedule and that the 39 month goal will not be achieved.

As good as the Commission’s plan is, it is—at its heart—a “command and control” central planning approach to accomplishing the transition. As a complement to this plan, the Commission should seek to harness free market forces that can streamline and expedite the transition. Using the flexibility provided by the Commission for temporary channel sharing, free market forces can be used to induce broadcast stations voluntarily to vacate channels in the new wireless band even before their new permanent facilities have been constructed.³ Free market forces also can be harnessed to simply eliminate some stations that present a bottleneck or that constitute part of a linked station set. These voluntary free market actions have the potential to both give winning carriers expedited access to their spectrum and afford broadcasters a longer period to construct their new facilities – truly a win-win.

But, to implement this plan to streamline and expedite the transition, interested parties need access to the Commission’s tools. Those tools, which should be a matter of public record,

² See Statement of FCC Chairman Ajit Pai on Fostering and Orderly Post-Auction Transition (Feb. 6, 2017), available at http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0206/DOC-343359A1.pdf.

³ The Commission recently approved “temporary joint use of a channel,” which we refer to herein as “temporary channel sharing.” See *Incentive Auction Task Force & Media Bureau Adopt A Post-Incentive Auction Transition Scheduling Plan*, Public Notice, DA17-107, 2017 WL 400527 ¶¶ 54-59 (rel. Jan. 27, 2017) (recognizing that “temporary joint use of a channel may aid the transition”).

will enable interested parties to identify stations that present a bottleneck to the transition and stations that are part of linked sets, thereby prioritizing their efforts.

The Commission should welcome the assistance of free market forces to complement its own command and control central planning approach to the transition. There is no downside to releasing the Commission's tools. And releasing those tools could materially advance the public interest objective of a swift and successful transition.

Respectfully submitted,

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